

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

JOEY PIERCE,

Claimant,

v.

SCHOOL DISTRICT #21,

Employer,

and

STATE INSURANCE FUND,

Surety,

Defendants.

**IC 02-524062**

**ORDER**

Filed September 6, 2005

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant has failed to prove that Defendant School District #21 was his statutory employer at the time of his accident and injury.
2. The remaining issue is moot.

3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this \_\_6<sup>th</sup>\_\_ day of \_\_\_\_September\_\_\_\_, 2005.

INDUSTRIAL COMMISSION

\_\_\_\_/s/\_\_\_\_\_  
Thomas E. Limbaugh, Chairman

\_\_\_\_/s/\_\_\_\_\_  
James F. Kile, Commissioner

\_\_\_\_/s/\_\_\_\_\_  
R. D. Maynard, Commissioner

ATTEST:

\_\_\_\_/s/\_\_\_\_\_  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_6<sup>th</sup>\_\_ day of \_\_September\_\_, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

STEPHEN G LARSEN  
PO BOX 845  
POCATELLO ID 83204

STEVEN R FULLER  
PO BOX 191  
PRESTON ID 83263

\_\_\_\_/s/\_\_\_\_\_

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